

March 26, 2024

**By ECF**

Magistrate Judge Sarah L. Cave  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

The parties' stipulations regarding the duty to defend (ECF No. 149) are hereby SO ORDERED. The Court thanks the parties for their cooperation.

SO ORDERED 3/27/2024

  
SARAH L. CAVE  
United States Magistrate Judge

**Re: The Roman Catholic Diocese of Rockville Centre, New York v.  
Certain Underwriters at Lloyds, London & Certain London Market  
Companies and Lexington Insurance Company Civil Action No.: 21 Civ. 71 (AS) (SLC)**

Dear Magistrate Judge Cave:

Please accept this joint letter from the Diocese and LMI in response to the Court's March 12, 2024 Order (ECF 148).

The Court's March 12, 2024 Order directed the Diocese and LMI to meet and confer regarding the duty to defend and, by March 26, 2024, file a joint letter reporting on their ability to enter a stipulation concerning this issue.

The Diocese and LMI have agreed to the following stipulations regarding this issue:

- Paragraph 52 of the Amended Complaint (ECF 101) shall be deemed amended as follows: "Under their insurance policy contracts, LMI owe a duty to pay the defense costs and expenses in connection with potentially covered lawsuits or claims as they are incurred and billed."
- The Diocese and LMI agree that the LMI Policies do not obligate LMI to assume the defense of the Underlying Lawsuits.
- LMI's Answer to the Amended Complaint (ECF 109) will continue to apply to the Diocese's Amended Complaint following the amendment to Paragraph 52.

Very truly yours,

/s/ John Berringer  
John Berringer  
Reed Smith LLP

/s/ James J. Moffitt  
James J. Moffitt  
Clyde & Co US LLP